

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 BAIL APPLICATION NO.833 OF 2021

**AKASH ASHOK BHALEKAR
VERSUS
THE STATE OF MAHARASHTRA**

Shri. Chaitanya C. Deshpande, Advocate for the applicant
Shri. G. O. Wattamwar, APP for the respondent/State
Smt. A. S. Jadhav, Advocate for respondent No. 2.

**CORAM : M. G. SEWLIKAR, J.
DATED : 5th January, 2022**

PER COURT :-

1. Heard.
2. Learned counsel Shri. Deshpande for the applicant submits that the informant was 14 years of age at the time of the lodging of the report. He submits that the informant alleged that the applicant aged 21 years had established physical contacts with the informant on false promise of marriage. FIR was lodged on 24th February, 2021 and the informant delivered a female baby on 25th February, 2021. He submits that false allegations have been levelled against the applicant. He, therefore, prays for releasing the

applicant on bail.

3. Learned APP for the respondent/State and Smt. A. S. Jadhav, learned counsel for respondent No. 2 submit that applicant established physical contacts with the informant. Learned APP has produced DNA report. DNA report shows that applicant is not a biological father of baby of the informant. Therefore, there appears no substance in the contention of the informant that the applicant had sexual intercourse with the victim. In view of this, applicant is entitled to be released on bail. Hence the order.

ORDER

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 41 of 2021 under Sections 376(2)(n) of the Indian Penal Code and under Sections 4 and 6 of POCSO Act registered with Phulambri Police Station, Aurangabad.

3. Application is disposed of.
4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.
5. Fees of the appointed counsel is quantified at Rs. 5000/- and it is to be paid by the High Court Legal Services Authority, Sub Committee, Aurangabad.

[M. G. SEWLIKAR, J.]

ssp